

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MANUEL A TORO VAZQUEZ
DEBTOR

* CASE NO. 11-10555 MCF
*
* CHAPTER 13
*

**DEBTOR'S MOTION FOR EXTENSION OF TIME TO REPLY TO TRUSTEE'S
MOTION TO DISMISS FOR FAILURE TO DELIVER TAX REFUNDS DOCKET NO. 23**

TO THE HONORABLE COURT:

COMES NOW, **MANUEL A. TORO VAZQUEZ**, debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. The Chapter 13 Trustee filed a *Trustee's Motion to Dismiss For Failure to Deliver Tax Refunds*, docket no. 23, basically stating that the debtor has failed to pay into the Plan the tax refunds received during the life of the confirmed Plan. *Trustee's Motion to Dismiss For Failure to Deliver Tax Refunds*, dated December 15, 2015, paragraphs 1 and 2.
2. The debtor respectfully states that the Plan payments have been paid and the same are up-to-date.
3. Concerning the 2011 tax refund (\$70), the 2012 tax refund (\$692) and the 2013 tax refund (\$243), the debtor respectfully submits that he forgot/was unaware that the tax refunds received during the life of the Plan were to be used for the confirmed Plan funding.
4. The debtor respectfully states that during the life of the Chapter 13 Plan, the debtor did not receive from the Trustee any notice regarding the non-delivery of such funds, until they were noticed of the present Trustee's motion for dismissal dated December 15, 2015.
5. Pursuant to Section 1302 of the Bankruptcy Code, 11 USC Section 1302(b)(4), (b)(5), the Trustee shall "...assist the debtor in performance under the plan" ... and "...ensure

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that the debtor commences making timely payments ... ". 11 USC Section 1302(b)(4), (b)(5).

6. The debtor respectfully informs this Honorable Court that the debtor is in the process of obtaining the funds, reach an agreement with the Chapter 13 Trustee and/or will file a post-confirmation Plan modification in order to adequately reply to the Trustee's motion for dismissal.

7. Concerning the 2014 tax refund (\$71.84) the same was received by the debtor on January 7, 2016 and on this same date, January 14, 2016, he is sending to the Chapter 13 Trustee a postal money order for the same sum of \$71.84 to pay into the Plan the tax refund for said 2014.

8. Based on the aforementioned, the debtor needs an extension of time of thirty (30) days within to resolve the "tax refund" issue and reply to the Trustee's motion to dismiss, in the present case. This extension of time to expire on February 15, 2016.

WHEREFORE, debtor, through their undersigned attorney respectfully requests that for the above stated reasons this Honorable Court grant the requested extension of time.

I CERTIFY that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system which will send notice of same to: the Chapter 13 Trustee, Alejandro Oliveras Rivera, Esq., Esq.; I also certify that a copy of this motion was sent via US Mail to the debtor, Manuel A Toro Vazquez, HC 3 Box 8866 Gurabo PR 00778.

RESPECTFULLY SUBMITED, in San Juan, Puerto Rico, this 14th day of January, 2016.

/s/ *Roberto Figueroa Carrasquillo*
USDC #203614
RFIGUEROA CARRASQUILLO LAW OFFICE PSC
ATTORNEY FOR PETITIONERS
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MANUEL TORO VAZQUEZ Y
ELIZABETH COLON MARQUEZ

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